

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12914, of Vallee, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Section 3104) allowing accessory parking in the R-4 District which serves the proposed office building located in the C-2-A District and from the FAR requirements (Sub-section 5301.1) in the C-2-A District for an addition to and conversion of a retail building to an office building in both the R-4 and C-2-A Districts at the premises 301 - 4th and 400-04-08-12 C Street, N.E. (Square 813, Lots 810-18-19).

HEARING DATE: April 18, 1979  
DECISION DATE: June 6, 1979

FINDINGS OF FACT:

1. The subject site is located on the northeast corner of the intersection of C and 4th Streets and is made up of three lots Lot 810 fronts on both C and 4th Streets, is known as 400-04-08-12 C Street, N.E. and is in the C-2-A District. Lots 18 and 19 are both alley lots, are known as 301 - 4th Street and are in the R-4 District.

2. The subject site is L-shaped and has an area of 7343.38 square feet. Lots 18 and 19 are vacant and unimproved. Lot 810 is improved with a two story retail building which is now vacant.

3. The subject property was purchased by the applicant on March 5, 1976, at a price based upon the floor area ratio of 2.0 for commercial use. The property is part of a larger project consisting of five houses on C Street, one house on 5th Street and one house on 4th Street. The seven town houses have been fully renovated and are used as commercial office space.

4. While the application was being processed, the Zoning Commission adopted Order No. 242, reducing the permitted commercial density from a floor area ratio of 2.0 to 1.5 in the C-2-A zone.

5. In September, 1977, the applicant negotiated with several banks in the area concerning use of the subject property for a branch office. The banks were unable to get the necessary approval for a branch office due to the close proximity of other bank locations. These negotiations ended unsuccessfully. In July, 1978, after a thorough analysis of the site for commercial, retail and residential development, the applicant decided that a commercial office development would be the most appropriate and feasible use of the premises.

6. The applicant requests a variance from the use provisions under Section 3104 to permit the use of Lots 18 and 19 for accessory parking to the proposed office building. The lots are zoned R-4. Even though parking is usually permitted as a special exception in R-4, a variance from the R-4 zone is needed, because the parking would serve a commercial use in the C-2-A District.

7. The applicant also requests a variance for lot 810 from the FAR requirements in the C-2-A District for an addition to and conversion of a retail building to an office building.

8. The C-2-A zone permits an F.A.R. of 1.5 for commercial use out of a total of 2.5 F.A.R. The applicant is allowed 7311.48 square feet of commercial space and is providing 11324.37 square feet. A variance of 4,012.89 square feet is needed.

9. The old gas station on lot 810 which is a solid, reinforced concrete structure, will be retained.

10. Lots 18 and 19 have no street frontage and even when combined, they are too small for residential development. Given the configuration of the lot and the location of adjoining improvements, it is impractical to renovate the gas station for residential use, and thus create a total residential project.

11. The Land Use Committee of the Stanton Park Neighborhood Association testified that the committee favored the proposed development on the grounds that the plans would complete the renovation of the 400 block of C Street and would be an asset to the neighborhood. The Committee stated that it would prefer to see the two rear lots rezoned to C-2-A, thus eliminating the need for any variance. The Committee did support the use of the rear lots for parking.

12. Advisory Neighborhood Commission - 6A made no recommendation on the application.

13. There was one letter of support submitted to the file.

14. There was no opposition.

CONCLUSION OF LAW:

Based on the Findings of Fact, the Board concludes that the applicant is requesting both a use variance and an area variance. The granting of a use variance requires the showing of an undue hardship upon the owner arising out of the property. The Board concludes that the size and location of Lots 18 and 19 effectively prohibit their use for residential purposes. The Board concludes that the use of the two rear lots for accessory parking will be in harmony with the existing character of the neighborhood.

As to the area variance, the applicant must show proof of a practical difficulty inherent in the property itself. The Board concludes the studies submitted by the applicant show that the development of lot 810 under the recently amended FAR requirement would not be feasible. The Board notes that the proposed project is the final part of a larger project undertaken by the applicant in the subject square, and that it is favored by the neighborhood.

The Board further concludes that the proposed project will not be of substantial detriment to the public good, nor will it substantially impair the intent, purpose and integrity of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-2 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith to GRANT, Leonard L. McCants OPPOSED, Walter B. Lewis OPPOSED by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

30 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.